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LETTER DATED 5 JULY 1995 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

This is the second letter I am writing to the President of the Security Council concerning the training and rearming of the militia and soldiers of the former regime of Rwanda in neighbouring countries, a development which is a threat to Rwanda and to the subregion. The first letter on the matter was dated 16 March 1995.

My first letter was a request to the Secretariat, through the President of the Security Council, to investigate and report to the Council on the activities of the leaders, militia and soldiers of the genocidal former Rwandese Government in view of the existence of information that they were preparing to undertake a forceful intervention into Rwanda.

An in-depth report on the matter has never been provided to the Security Council, despite the urgency of the situation. The Organization has not been able to detect the violation of the arms embargo by the former government leaders; neither has it been able to prevent infiltration of Rwanda and Burundi by elements of the militia and soldiers of the former Rwandese Government. Even more recently, the Secretariat and its representatives continued to state that they do not have sufficient evidence of the scope of the problem.

Meanwhile, the perpetrators of genocide continue rearming themselves with impunity in the presence of an array of United Nations agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR) as well as international non-governmental organizations (NGOs).

Based on information from UNHCR, this Organization has not been able to detect the rearming of the perpetrators of genocide in spite of the fact that the former Rwandese leaders have been strengthened by the humanitarian assistance provided by UNHCR and other international organizations.

The information provided by the United Nations High Commissioner for Refugees, Ms. Sadako Ogata, to a few selected members of the Security Council in New York in May 1995 did not give the true picture of the situation in the refugee camps in Zaire. There were omissions of key information on the

situation in all the refugee camps and on the interrelationships between those existing camps.

On the other hand, reports from Human Rights Watch, an American NGO, and Amnesty International, based in London, as well as the BBC, provide an abundance of evidence.

In the preliminary report of Human Rights Watch, entitled "Rearming with impunity: international support for the perpetrators of the Rwandan genocide", and in the report of Amnesty International entitled "Arming the perpetrators of the genocide", the two organizations confirm that it is quite evident that the arms embargo imposed on the former genocidal regime in Rwanda is not achieving the objectives set by the Security Council in its resolution 918 (1994) on expansion of United Nations assistance for Rwanda and the imposition of an arms embargo.

The reports confirm that the perpetrators of the Rwandan genocide are rebuilding their military infrastructure in Zaire, have spoken openly of their intention to return to Rwanda and have threatened to wage a war and to complete the genocide they began in April 1994. The former Rwandese government forces are conducting military training in a number of military camps. They also control some of the civilian refugee camps where they control food distribution and engage in theft; prevent the repatriation of refugees through attacks and intimidation; carry out vigilante killings and mutilations of persons suspected of crimes or disloyalty; restrict the movement of persons in and out of the camps; recruit and train young men for incursions into Rwanda and Burundi in support of the extremists from Burundi; and actively launch cross-border raids, inflaming an already tense situation inside Burundi and threatening to expand the conflict throughout the whole region.

Militia members have told Human Rights Watch in interviews that local Zairian authorities have provided the soldiers and militia of the former regime with armed escorts and have permitted them to conduct political, military and propaganda activities in the refugee camps and in some Zairian-owned military bases, as long as those activities are kept out of the view of international relief workers.

Furthermore, Human Rights Watch, Amnesty International and the BBC have persuasive evidence that the former leaders, militia and soldiers of the former Rwandese Government have benefited from the protection and support of several members of the international community, including some members of the Security Council. The reports state that those members have actively aided and abetted the militias and soldiers of the former regime in their efforts to reconstitute themselves, through a combination of direct shipments of arms, facilitating such shipments from other sources, and providing other forms of military assistance, including training, in violation of the arms embargo imposed by the Security Council under resolution 918 (1994).

Such developments have hindered the process of repatriation of refugees, national reconciliation and national reconstruction.

Even though the two human rights organizations have made their reports available to the Secretariat and to all members of the Security Council, to our knowledge, no concrete action has been taken, either by the Secretariat or by the Security Council, despite the fact that its resolution 918 (1994) was targeted at the Rwandese genocidal regime in an attempt to stop that Government from killing its population. A Security Council presidential statement in April 1995 (S/PRST/1995/22) expressed its "deep concern" for the rearming of militia and soldiers of the former genocidal Government of Rwanda. The Sanctions Committee set up one year ago, under resolution 918 (1994) is not yet operational.

The present Government of Rwanda has as its priorities: the return of refugees, national reconciliation and reconstruction as well as the establishment of rule of law, and Security Council resolution 918 (1994) is detrimental to the present Government of Rwanda which has successfully defended the country against the former regime and stopped genocide in Rwanda while the international community failed to act in defence of innocent civilians. This Government must regain its right to ensure the country's security - especially against those who have committed genocide. It should not be disadvantaged and handicapped in defending the Rwandan population by a Security Council resolution or other action by the international community. A country's self-defence is a sovereign right which neither the international community nor the Security Council should restrict, especially for a Government which has shown that it is responsible and has as its primary concern national reconstruction, reconciliation and justice in a secure environment.

Resolution 918 (1994) is preventing the present Government from ensuring the security of its citizens while the United Nations has repeatedly shown itself incapable of ensuring that security, as was evident during the genocide of 1994, when United Nations peace-keeping troops were unable to protect the Rwandan citizens who faced genocide.

The lifting of the arms embargo on the present Government will ensure that the country regains its full sovereignty and its capability to protect its citizens. The capacity to ensure the security of the country is a right and not a privilege. Regaining the freedom to develop that capacity will send a strong signal to a genocidal group that it cannot continue to destabilize the country with impunity.

The arms embargo, which was originally imposed on a genocidal Government, should not be extended to subsequent Governments and to the State of Rwanda. As it presently exists, an arms embargo on Rwanda and its Government is not justifiable. Any preventive measures to be taken have to be focused on the leaders, the soldiers and the militia of the former Government who have violated humanitarian law and on the Governments who continue to support them.

Maintaining this arms embargo as it is presently applied will ensure the opposite of what was intended. It will be a myopic decision which will further the insecurity of Rwanda, Burundi and the subregion.

In conclusion, resolution 918 (1994) is now outdated and is no longer justifiable for the present Government of Rwanda. We therefore request urgent

action to lift the arms embargo on Rwanda to ensure the security of its population and to re-establish its full sovereignty.

The proposal to extend the arms embargo to the former regime would be an inefficient solution to the problem. In view of the fact that the group is already sufficiently armed, that solution is unrealistic and would not prevent the continuation of rearming since arms are ordered in the name of its accomplices.

The Security Council and the international community would have to take the responsibility for the potential aggression of Rwanda by the former regime and must seriously consider the potential for a continuation of insecurity in Rwanda. I would like to remind you that the genocide of 1994 in Rwanda was partly encouraged by the failure of the Security Council and the international community to make timely and appropriate decisions. Those gross mistakes resulted in the death of 1 million Rwandans. Such mistakes should not be repeated.

In the light of the evidence collected by Human Rights Watch, Amnesty International and the BBC of continuing transfers of weapons and other military support by members of the international community to the perpetrators of the Rwandan genocide, my delegation requests the Security Council and the Secretariat to take the following specific actions:

- Take urgent action to lift the present arms embargo on Rwanda which severely inhibits the capability of the present Government of Rwanda to ensure the security of its citizens;

- Request that the Sanctions Committee on the arms embargo set up under resolution 918 (1994) consider reports on arms transfers to the leaders, the militia and the soldiers of the former Rwandese Government, as a matter of urgency, and report thereon to the Security Council;

- Prepare and adopt a resolution to restrict the rearming of the former genocidal Rwandese government leaders and forces regardless of where they are located;

- Deploy United Nations monitors at Kinshasa, Goma, Bukavu and Uvira airports in Zaire with the purpose of restricting the militarization of Rwandan refugee camps in Zaire;

- Request the States Members of the United Nations to implement Security Council resolution 978 (1995) as well as the Security Council presidential statement issued on 27 April 1995 (S/PRST/1995/22).

I would be grateful if you would circulate the present letter as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of
Rwanda to the United Nations